

AMENDED IN SENATE JUNE 28, 2000  
AMENDED IN ASSEMBLY MAY 15, 2000  
AMENDED IN ASSEMBLY MAY 8, 2000  
AMENDED IN ASSEMBLY MAY 4, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2755**

**Introduced by Assembly Member Bock**

February 25, 2000

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An act to amend Section 65915 of the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2755, as amended, Bock. Housing: rehabilitation.

(1) Existing law contains various building code requirements applicable to the construction of residential structures, and various provisions relating to affordable housing.

Under existing law, when a developer of housing proposes a housing development, as defined, within the jurisdiction of a local government, the city, county, or city and county is required to provide the developer incentives for the production of lower income housing units within the development if the developer meets specified requirements, and to adopt an ordinance that specifies the method of providing developer incentives.

This bill would include in the definition of a housing development for purposes of the above provision, a project to substantially rehabilitate and convert a commercial building to residential use or the substantial rehabilitation of a ~~residential~~ multifamily dwelling that would increase the number of units. The bill would create a state-mandated local program by imposing new duties on local agencies by subjecting additional projects to existing requirements.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 65915 of the Government Code  
2 is amended to read:  
3 65915. (a) When a developer of housing proposes a  
4 housing development within the jurisdiction of the local  
5 government, the city, county, or city and county shall  
6 provide the developer incentives for the production of  
7 lower income housing units within the development if  
8 the developer meets the requirements set forth in  
9 subdivisions (b) and (c). The city, county, or city and  
10 county shall adopt an ordinance that shall specify the  
11 method of providing developer incentives.  
12 (b) When a developer of housing agrees or proposes to  
13 construct at least (1) 20 percent of the total units of a  
14 housing development for lower income households, as  
15 defined in Section 50079.5 of the Health and Safety Code,



1 or (2) 10 percent of the total units of a housing  
 2 development for very low income households, as defined  
 3 in Section 50105 of the Health and Safety Code, or (3) 50  
 4 percent of the total dwelling units of a housing  
 5 development for qualifying residents, as defined in  
 6 Section 51.3 of the Civil Code, a city, county, or city and  
 7 county shall either (1) grant a density bonus and at least  
 8 one of the concessions or incentives identified in  
 9 subdivision (h) unless the city, county, or city and county  
 10 makes a written finding that the additional concession or  
 11 incentive is not required in order to provide for  
 12 affordable housing costs, as defined in Section 50052.5 of  
 13 the Health and Safety Code, or for rents for the targeted  
 14 units to be set as specified in subdivision (c), or (2)  
 15 provide other incentives of equivalent financial value  
 16 based upon the land cost per dwelling unit.

17 (c) A developer shall agree to and the city, county, or  
 18 city and county shall ensure continued affordability of all  
 19 lower income density bonus units for 30 years or a longer  
 20 period of time if required by the construction or  
 21 mortgage financing assistance program, mortgage  
 22 insurance program, or rental subsidy program. Those  
 23 units targeted for lower income households, as defined in  
 24 Section 50079.5 of the Health and Safety Code, shall be  
 25 affordable at a rent that does not exceed 30 percent of 60  
 26 percent of area median income. Those units targeted for  
 27 very low income households, as defined in Section 50105  
 28 of the Health and Safety Code, shall be affordable at a rent  
 29 that does not exceed 30 percent of 50 percent of area  
 30 median income. If a city, county, or city and county does  
 31 not grant at least one additional concession or incentive  
 32 pursuant to paragraph (1) of subdivision (b), the  
 33 developer shall agree to and the city, county, or city and  
 34 county shall ensure continued affordability for 10 years of  
 35 all lower income housing units receiving a density bonus.

36 (d) A developer may submit to a city, county, or city  
 37 and county a preliminary proposal for the development  
 38 of housing pursuant to this section prior to the submittal  
 39 of any formal requests for general plan amendments,  
 40 zoning amendments, or subdivision map approvals. The

1 city, county, or city and county shall, within 90 days of  
2 receipt of a written proposal, notify the housing  
3 developer in writing of the procedures under which it  
4 will comply with this section. The city, county, or city and  
5 county shall establish procedures for carrying out this  
6 section, which shall include legislative body approval of  
7 the means of compliance with this section. The city,  
8 county, or city and county shall also establish procedures  
9 for waiving or modifying development and zoning  
10 standards ~~which~~ *that* would otherwise inhibit the  
11 utilization of the density bonus on specific sites. These  
12 procedures shall include, but not be limited to, such items  
13 as minimum lot size, side yard setbacks, and placement of  
14 public works improvements.

15 (e) The housing developer shall show that the waiver  
16 or modification is necessary to make the housing units  
17 economically feasible.

18 (f) For the purposes of this chapter, “density bonus”  
19 means a density increase of at least 25 percent, unless a  
20 lesser percentage is elected by the developer, over the  
21 otherwise maximum allowable residential density under  
22 the applicable zoning ordinance and land use element of  
23 the general plan as of the date of application by the  
24 developer to the city, county, or city and county. The  
25 granting of a density bonus shall not be interpreted, in  
26 and of itself, to require a general plan amendment,  
27 zoning change, or other discretionary approval. The  
28 density bonus shall not be included when determining  
29 the number of housing units which is equal to 10 or 20  
30 percent of the total. The density bonus shall apply to  
31 housing developments consisting of five or more dwelling  
32 units.

33 (g) “Housing development,” as used in this section,  
34 means one or more groups of projects for residential units  
35 constructed in the planned development of a city, county,  
36 or city and county. For the purposes of this section,  
37 “housing development” also includes either (1) a project  
38 to substantially rehabilitate and convert an existing  
39 commercial building to residential use, or (2) the  
40 substantial rehabilitation of an existing—~~residential~~

~~dwelling~~ multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

(h) For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required.

(2) Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county ~~which~~ that result in identifiable cost reductions.

This subdivision does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

(i) If a developer agrees to construct both 20 percent of the total units for lower income households and 10 percent of the total units for very low income households, the developer is entitled to only one density bonus and at

1 least one additional concession or incentive identified in  
2 Section 65913.4 under this section although the city, city  
3 and county, or county may, at its discretion, grant more  
4 than one density bonus.

5 SEC. 2. Notwithstanding Section 17610 of the  
6 Government Code, if the Commission on State Mandates  
7 determines that this act contains costs mandated by the  
8 state, reimbursement to local agencies and school  
9 districts for those costs shall be made pursuant to Part 7  
10 (commencing with Section 17500) of Division 4 of Title  
11 2 of the Government Code. If the statewide cost of the  
12 claim for reimbursement does not exceed one million  
13 dollars (\$1,000,000), reimbursement shall be made from  
14 the State Mandates Claims Fund.

